

Attorney's Docket:  
2000P07447US03

PATENT APPLICATION

09/499,922

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REMARKS

This Application has been carefully reviewed in light of the Non-Final Office Action mailed August 4, 2006 ("Office Action"). Claims 1-21 are currently pending.

Allowed/Allowable Claims

Applicants note with appreciation the indication by the Examiner that Claims 6-9 and 21 are allowed.

Section 102 Rejections

Claims 1, 4, 5, 10, 13-16, 19, and 20 were rejected under 35 U.S.C. §102(a) as being anticipated by foreign document WO 99/63774, listing Lupien, et al. as inventors ("*Lupien*"). Applicants traverse these rejections.

As the PTO is aware, in order for a reference to anticipate a claim "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). With this threshold requirement in mind, Applicants submit that the PTO has failed to establish a prima facie case of anticipation using *Lupien*.

Independent Claim 1 is allowable because *Lupien* fails to disclose, expressly or inherently, "a second wireless network having an operations and maintenance center (OMC) coupled thereto and operable to execute an application to manage the second wireless network using a second management protocol, the OMC further operable to manage the first wireless network using a first management protocol." The Office Action alleges that *Lupien*'s Base Station Controller (IW GPRS BSC) 39 disclose this feature, but this is incorrect for at least two reasons. First, the PTO provides no indication of the particular portion of *Lupien* that is relied upon for disclosing this feature. To this end, Applicants respectfully remind the PTO that "[w]hen a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable." 37 C.F.R. § 1.104(c)(2). (emphasis added)

Second, a review of *Lupien*'s discussion of BSC 39 reveals that *Lupien*'s BSC 39 does not disclose the above feature. Applicants found five references to *Lupien*'s BSC 39 as follows:

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An Interworking GPRS Base Station Controller (IW GPRS BSC) 39 logically provides the termination of the Gb interface from the SGSN 32. The IW GPRS BSC may be physically located at the base station, but this is not mandatory.

(*Lupien*, page 30, lines 11-13).

A traffic interface 40 is provided between the IW GPRS BSC 39 and the GPRS/ANSI-136 base station 26. From the IW GPRS BSC, there is a semi-permanent connection through the MSC/VLR 23 to carry traffic to the GPRS/ANSI-136 base station.

(*Lupien*, page 30, lines 19-22).

Thus, between the SGSN 32 and the IW GPRS BSC 39, there may be one or more logical DSOs, and the IW GPRS BSC may perform DXC functions. From the IW GPRS BSC to the GPRS/ANSI-136 base station 26, there may be one or more fixed DSOs allocated on a semi-permanent basis.

(*Lupien*, page 30, line 30 - page 31, line 2).

In this embodiment, the GPRS-VLR IWF 37 is integrated with the SGSN 32 on the GPRS side of the interface. The IW GPRS BSC 39 is associated with the ANSI-41 network, and may be implemented with the MSC/VLR 23. The functionality described in relation to FIG. 2 remains the same.

(*Lupien*, page 31, lines 28-31).

FIGs. 2-4 illustrated an Interworking GPRS Base Station Controller (IW GPRS-BSC) 39. In FIG. 5, the IW GPRS-BSC has been integrated into either the ANSI-41 G-MSC/VLR 42 or the BS 49.

(*Lupien*, page 32, lines 30-31). The above references to *Lupien's* BSC 39 mention nothing of "a second wireless network having an operations and maintenance center (OMC) coupled thereto and operable to execute an application to manage the second wireless network using a second management protocol, the OMC further operable to manage the first wireless network using a first management protocol." For at least this reason, Independent Claim 1 and its dependents should be allowed. Independent Claims 10, 16, and 20, and their dependents should be allowed for analogous reasons.

#### **Section 103 Rejections**

Claims 2, 3, 11, 12, 17 and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Lupien* in view of U.S. Patent No. 6,466,583 issued to Laraqui

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("Laraqui"). These rejections are moot because the Independent Claims should be allowed as indicated above.

**Request for Evidentiary Support**

Should any of the above asserted rejections be maintained, Applicants respectfully request appropriate evidentiary support. Additionally, if the Examiner is relying upon "common knowledge" or "well known" principles to establish the rejection, Applicants request that a reference be provided in support of this position pursuant to M.P.E.P. § 2144.03. Furthermore, to the extent that the Examiner maintains any rejection based on an "Official Notice" or other information within the Examiner's personal knowledge, Applicants respectfully request that the Examiner cite a reference as documentary evidence in support of this position or provide an affidavit in accordance with M.P.E.P. § 2144.03 and 37 C.F.R. 1.104(d)(2).

**No Waiver**

All of Applicants' arguments and amendments are without prejudice or disclaimer. Applicants reserve the right to discuss the distinctions between the applied art and the claims in a later Response or on Appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The example distinctions discussed by Applicants are sufficient to overcome the anticipation and obviousness rejections.

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CONCLUSION

For the foregoing reasons and for reasons clearly apparent, Applicants respectfully request allowance of all pending claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stand ready to conduct such a conference at the convenience of the Examiner.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 19-2179.

Date: 10/30/06

Respectfully requested,

SIEMENS CORPORATION  
Customer No. 28524  
Attn: Elsa Keller, Legal Department  
170 Wood Avenue South  
Iselin, NJ 08830  
Telephone: (650)694-5191

By: Anand Sethuraman

Anand Sethuraman  
Registration No. 43,351  
Attorney for Applicants  
Tel: 650-943-7554